



Attorney Docket No. B-4342 619176-0

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PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appellant: Sebastien Bouat

Patent Application No.: 10/032,882

Filed: 10/29/2001

For: "Processing Messages in a Gatekeeper ..."

) Group Art Unit: 2144

) Examiner: Gerezgiher, Yemane

) Re: REPLY BRIEF

) Our Ref: B-4342 619176-0

) Date: December 4, 2006

**REPLY BRIEF**

Mail Stop Reply Brief  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper is a Reply Brief to the Examiner's Answer issued on October 2, 2006 for the above-referenced patent application. Appellant submits that this Reply Brief is timely filed on December 4, 2006 because the initial two-month deadline of December 2, 2006 fell on a Saturday. Please consider and enter the following remarks into the prosecution history of the above-mentioned application. **All remarks herein are made without prejudice.**

**REMARKS**

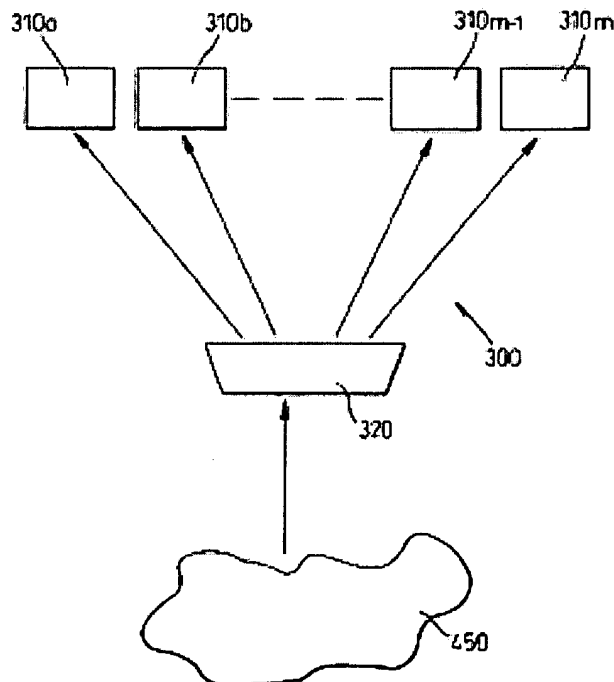
The comments in the Appeal Brief filed on September 8, 2006 are incorporated herein by reference.

**Issue 1: Whether Claims 1-17 are patentable under 35 U.S.C. 103(a) in view of Ma, U.S. Patent No. 6,795,867, (hereinafter "Ma") and further in view of Brendel, U.S. Patent No. 6,772,333, (hereinafter "Brendel")?**

Claim 1

Appellant submits that the Examiner has not shown that Ma and Brendel teach each and every element as set forth in the rejected claims and the rejection based on Ma and Brendel should be overturned on appeal.

According to Claim 1, the gatekeeper 320 receiving incoming messages; and the gatekeeper 320 dispatching received messages among the plurality of sub-processes 310a-m. See Figure 4 of the present application, reproduced below.

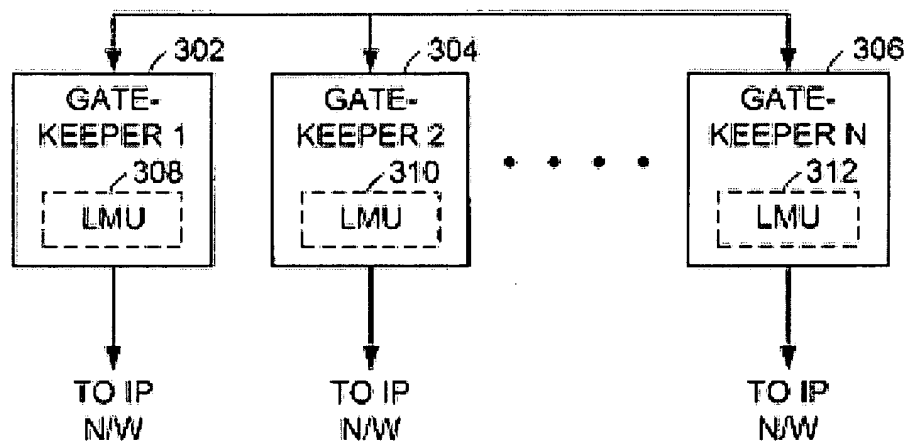


***Fig. 4***

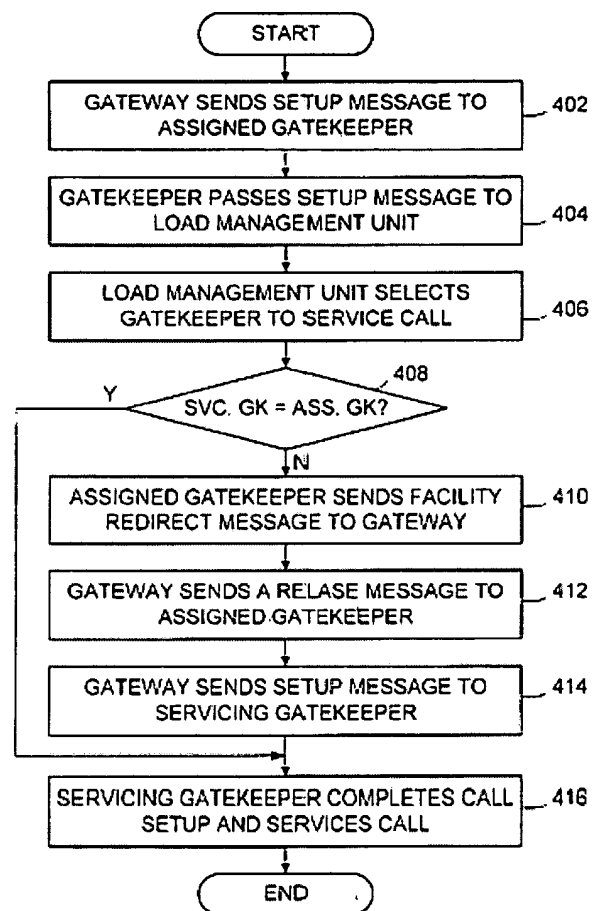
Ma's first embodiment:

In Ma's first embodiment, as shown in Ma's Figures 3a and 4 reproduced below, Ma discloses LMUs "308, 310 and 312" that are part of Ma's gatekeepers "302-306" and Ma discloses how to set up a call using the gatekeepers and LMU shown in Figure 3a.

Appellant submits that in this embodiment Ma does not disclose "the gatekeeper receiving incoming messages; and the gatekeeper dispatching received messages among the plurality of sub-processes" as recited in Claim 1 for the following reasons.



**FIG. 3A**

**FIG. 4**

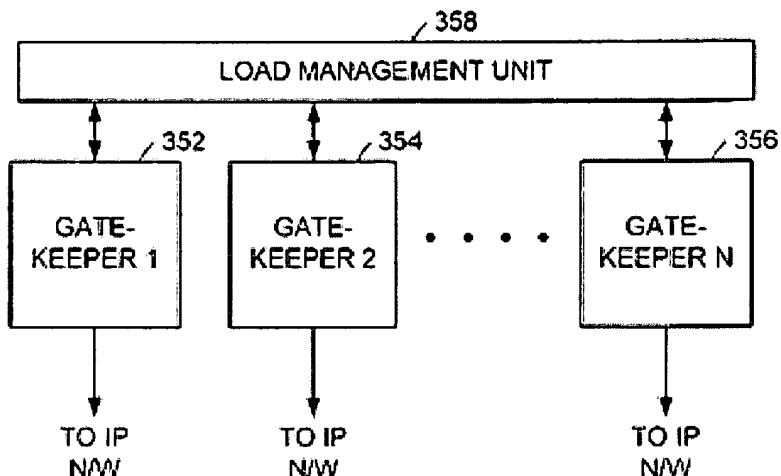
According to Ma's Figure 4 reproduced above, to setup a call a gateway sends a setup message to an assigned gatekeeper that according to the Examiner is allegedly the sub-processes 310a-m as recited in Claim 1. Ma's gateway does not disclose the gatekeeper 320 as recited in Claim 1, because Ma's gateway does not dispatch received "incoming messages" in the same way as recited in Claim 1. According to Ma, the gatekeeper initially performs a call setup by sending a setup message to the gatekeeper to try to setup the call. See column 5, line 63 to column 6, line 9 of Ma.

Further according to Ma, upon receipt of the setup message Ma's gatekeeper passes the setup message to its LMU wherein it is the LMU that determines which of Ma's gatekeepers will service the call, **not** Ma's gateway. See Figure 4, steps 404 and 406 of Ma. If the LMU determines that Ma's assigned gatekeeper will service the call, Ma's

assigned gatekeeper will be allowed to complete call setup and service the call (i.e. actually receive the incoming message). See Figure 4, step 408 and 416 of Ma. However, if the LMU determines that a different gatekeeper will service the call, Ma's gateway will send another setup message to a new gatekeeper that the LMU determined will service the call wherein the new gatekeeper completes call setup and services the call. See Figure 4, steps 412-416 of Ma. In view of Ma's teachings, Applicant submits that Ma first embodiment does not disclose all the features of Claim 1.

Ma's second embodiment:

In Ma's second embodiment, as shown in Ma's Figure 3b reproduced below, Ma discloses LMU "358" that is separate from Ma's gatekeepers "352, 354 and 356." Appellant submits that in this embodiment Ma does not disclose "the gatekeeper receiving incoming messages; and the gatekeeper dispatching received messages among the plurality of sub-processes" as recited in Claim 1 because even in this second embodiment Ma does not disclose or suggest "the gatekeeper dispatching received messages among the plurality of sub-processes" as recited in Claim 1. Rather in Ma's second embodiment, the gateway transmits messages to LMU "358," **not** to Ma's gatekeepers " 352, 354 and 356." How can Ma's second embodiment disclose "the gatekeeper dispatching received messages among the plurality of sub-processes" as recited in Claim 1, when Ma's gateway transmits messages to LMU "358," **not** to Ma's gatekeepers " 352, 354 and 356"?

**FIG. 3B**

Therefore, Appellant submits that Claim 1 is patentable over Ma and respectfully requests that the rejection be overturned on appeal and Claim 1 be allowed.

Furthermore, in replying to Appellant's arguments, the Examiner seems to combine Ma's two embodiments referred to above to allege that the present claims are unpatentable in view of Ma. See page 8 to page 10 of the Examiner's Answer. Specifically, the Examiner refers to Ma's Figures 1-3 to state that "LMU is within each gatekeeper," see page 9 of the Examiner's Answer, and the Examiner also refers to Ma's Figure 3b wherein the LMU is not within each gatekeeper, see pages 9-10 of the Examiner's Answer. Appellant objects to the Examiner's attempt to combine Ma's two embodiments because Ma's two embodiments teach away from their combination.

According to MPEP §2143.01, "where the teachings of two or more prior art references conflict, the Examiner must weigh the power of each reference to suggest solutions to one of ordinary skill in the art, considering the degree to which one reference might accurately discredit another. *In re Young*, 927 F.2d 588, 18 USPQ2d 1089 (Fed. Cir. 1991)."

As stated above, Ma's first embodiment teaches multiple LMUs, each one being **within** each of Ma's gatekeepers. However, contrary to Ma's first embodiment, Ma's second

embodiment teaches a single LMU that is **not within** any of Ma's gatekeepers. See Ma's Figures 3a and 3b reproduced above. Ma's embodiments are in opposition.

Appellant submits that the Examiner's combination of Ma's embodiments is based upon a hindsight reconstruction of Appellant's claims as opposed to what Ma really suggest. Applicants submit that the Examiner has failed to establish a prima facie case of obviousness. The combination of the Ma's embodiments is improper because they teach away from their combination. Therefore, Appellant respectfully requests that the rejection be overturned and claims allowed on the appeal.

#### Claims 2-10 and 16

Claims 2-10 and 16, at least based on their dependency on Claim 1, are also patentable over Ma and Brendel.

#### Claim 11

Appellant submits that, at least for the reasons stated above for Claim 1, Ma and Brendel do not teach, disclose or suggest "a gatekeeper for receiving incoming messages and hosting a plurality of sub-processes each able to process a series of messages, wherein the gatekeeper is adapted to dispatch the received messages onto those different sub-processes, and further wherein the gatekeeper has means for identifying whether a received message belongs to a same call as a previously received message, and, in that case, sending this received message to the sub-process that processed the previously received message" as recited in amended Claim 11. Hence, Claim 11 is patentable over Ma and Brendel and the rejection should be reversed on appeal.

#### Claim 12

Claim 12, at least based on its dependency on Claim 11, is also patentable over Ma and Brendel.

#### Claim 13

Appellant submits that, at least for the reasons stated above for Claim 1, Ma and Brendel do not teach, disclose or suggest “the gatekeeper comprising means for dispatching incoming messages onto a plurality of sub-processes, the gatekeeper being able to identify whether a received message belongs to a same call as a previously received message, and, in that case, being able to send this received message to the sub-process that processed said previously received message” as recited in amended Claim 13. Hence, Claim 13 is patentable over Ma and Brendel and the rejection should be reversed on appeal.

#### Claim 14

Claim 14, at least based on its dependency on Claim 13, is also patentable over Ma and Brendel.

#### Claim 15

Appellant submits that, at least for the reasons stated above for Claim 1, Ma and Brendel do not teach, disclose or suggest “the gatekeeper receiving incoming messages; the gatekeeper decoding received message only partially, the decoded part including said one or several fields which contain those data; and the gatekeeper dispatching received messages among the plurality of sub-processes, wherein the received messages that belong to the same call are dispatched to the same sub-process” as recited in amended Claim 15. Hence, Claim 15 is patentable over Ma and Brendel and the rejection should be reversed on appeal.

#### Claim 17

Claim 17, at least based on its dependency on Claim 15, is also patentable over Ma and Brendel.

Conclusion

For the extensive reasons advanced above, Appellant respectfully contends that each claim is patentable. Therefore, reversal of all rejections and objections is courteously solicited.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 08-2025. In particular, if this Appeal Brief is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as express mail in an envelope addressed to: Mail Stop Reply Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22323-1450 on

December 4, 2006

(Date of Mailing)

Trisha Lozano

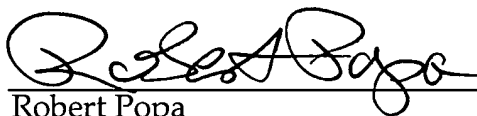
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Respectfully submitted,



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